

PROB 12B
(05/21)

UNITED STATES DISTRICT COURT

for

Western District of Washington

Amended Request for Modifying the Conditions or Term of
Supervision with Consent of the Person Under Supervision

(Probation Form 49, Waiver of Hearing is Attached)

Name: Ryan S. Hernandez**Case Number:** 2:19CR00259-1**Name of Judicial Officer:** The Honorable John C. Coughenour, United States District Judge**Date of Original Sentence:** 12/01/2020**Date of Report:** 10/19/2022**Original Offense:** Count 1: Computer Fraud and Abuse; Count 2: Possession of Child Pornography**Original Sentence:** 36 months' custody concurrent; 7 years' supervised release**Type of Supervision:** Supervised Release**Date Supervision Commenced:** / /**Assistant United States Attorney:** Andrew Friedman/Steven
Masada**Defense Attorney:** Sara L. Caplan**Special Conditions Imposed:**☐ Substance Abuse☐ Financial Disclosure☒ Restitution: \$259,323.82☒ Mental Health☐ Fine waived☐ Community Service☒ Other: Submit to search; participate in Moral Reconciliation Therapy; register under the Sex Offender

Registration and Notification Act; provide financial disclosure; maintain a single checking account; prohibit from incurring new credit charges, opening additional lines of credit or obtaining a loan without approval; not possess or peruse any material that depicts or describes "sexually explicit conduct;" have no contact with any children under the age of 18; residence be pre-approved by probation; employment be approved in advance by probation; not go to places nor loiter within 100 feet of an area where minors are known to frequent; participate in a sexual deviancy evaluation by a sexual deviancy treatment provider; actively participate and make reasonable progress in a certified sexual deviancy treatment program; follow all rules to include other lifestyle restrictions by defendant's therapist and continue with those rules pertaining to avoiding risk situations; submit to periodic polygraph testing; consent to U.S. Probation Office conducting ongoing monitoring of computer(s), hardware and software and any/and all electronic devices/media; not view, possess and/or compose any material that describes or promotes the unauthorized access to computer systems, nor write, possess, download or utilize any software designed to detect vulnerabilities in computer networks, cause damage to other computer systems and/or covertly install remote connections/back door applications not authorized by users of other computer systems; shall not have another individual access the Internet on his behalf to obtain files or information from which he is restricted accessing himself or access any Internet Service Provider account or other online service using someone else's account, name, designation or alias.

PETITIONING THE COURT☐ To extend the term of supervision for ____ years, for a total term of ____ years.☒ To modify the conditions of supervision as follows:**ADD:**

The defendant shall reside for a period not to exceed 180 days in a residential reentry center (pre-release component), as directed by the Probation Officer, and shall observe the rules of that facility. Subsistence fee is waived. (This condition would only be imposed if Mr. Hernandez becomes homeless or has no approved residence. He could live there until he secures an approved residence. Cost would be waived.)

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The defendant shall possess and use only those computers and computer-related devices, screen user names, passwords, email accounts, internet service providers (ISPs), social media accounts, messaging applications and cloud storage accounts that have been approved, in advance, by the Probation Officer. Computers and computer-related devices include personal computers, personal data assistants (PDAs), internet appliances, electronic games, cellular telephones, digital storage media, and their peripheral equipment, that can access, or can be modified to access, the internet, electronic bulletin boards, and other computers.

All computers, computer-related devices, and their peripheral equipment, used by the defendant shall be subject to search and seizure. This shall not apply to items used at the employment's site, which are maintained and monitored by the employer.

The defendant shall submit to a search, at any time, with or without warrant, and by any law enforcement or probation officer, of the defendant's person and any property, house, residence, vehicle, papers, computers [as defined in 18 U.S.C. § 1030(e)(1)], cell phones, other electronic communication or data storage devices or media, effects and other areas under the offender's control, upon reasonable suspicion concerning a violation of a condition of supervision or unlawful conduct by the defendant, or by any probation officer in the lawful discharge of the officer's supervision functions.

If any amount of the restitution remains unpaid after release from custody, monthly payments of at least 10% of defendant's gross monthly income but not less than \$25, whichever is greater, shall be made during the period of supervised release. These payments shall begin 30 days after the commencement of supervision.

The defendant shall not associate or have verbal, written, telephonic, or electronic communication with any person under the age of 18, except: (a) in the presence of the parent or legal guardian of said minor; and (b) on the condition that the defendant notify said parent or legal guardian of the defendant's conviction in the instant offense/prior offense. This provision does not encompass persons under the age of 18, such as waiters, cashiers, ticket vendors, etc., whom the defendant must interact with in order to obtain ordinary and usual commercial services.

CAUSE

A prior modification report dated October 4, 2022, was submitted to Your Honor based upon a request from the Central District of California who will begin supervising Ryan S. Hernandez on October 1, 2023. Mr. Hernandez is currently serving his term of imprisonment at Devens Federal Medical Center in Massachusetts and has been approved to relocate to their district to reside with his parents in Palmdale, California.

When the prior modification report was submitted, there were three conditions inadvertently not included in the report for Your Honor's consideration. Mr. Hernandez has signed the applicable waiver of hearing form to add all six conditions. Central District of California requested all six conditions be imposed to adequately supervise Mr. Hernandez when he releases into their district for supervision.

Both Assistant United States Attorney Andrew Friedman and Defense Counsel Sara L. Caplan have been previously consulted about the modification request and they concur with the recommendation to add the above the special conditions for future supervision.

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I swear under penalty of perjury that the
foregoing is true and correct.


Executed on this 19th day of October, 2022.



Hien Nguyen
Supervising United States Probation Officer

APPROVED:
Monique D. Neal
Chief United States Probation and Pretrial Services Officer

BY:



Brenda L. Amundson
Deputy Chief United States Probation Officer

THE COURT FINDS PROBABLE CAUSE AND ORDERS:

- ☐ The Extension of Supervision as noted above
☒ The Modification of Conditions as noted above
☐ Other



Signature of Judicial Officer

10/26/2022

Date